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OGC HAS REVIEWED.

10 November 1949

MEMORANDUM FOR: Office of the General Counsel

SUBJECT: Employment of Retired Military officers of CIA.

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1. Reference is made to the subject of the employment of [REDACTED] and past correspondence on this general subject.

2. With regard to the Navy Department's objection to returning retired officers to active duty, it was not intended that retired officers should be not reactivated. What is desired is that such retired officers be taken on by CIA, which would pay the difference between their retirement pay and the full pay they would receive if they were on active duty.

3. The stumbling block to the whole business is that the Comptroller General has ruled that an officer retired for reasons other than physical disability is "holding an office." Under the law no one can hold and collect pay for two offices in the Government, with the exception of a very few presidential appointments.

4. If the Agency merely supplements the pay of the office that a retired officer holds in the government as suggested above, the officer would not be holding two offices.

5. Will you please endeavor to see if this interpretation of the law can not be accepted in order that this agency might make use of particularly qualified retired military officers who at present are unavailable to the agency because of the "two offices" technicalities.

[REDACTED]

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